United Nations S/AC.50/2011/30

Security Council

Distr.: General
8 November 2011

Original: English

Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 1 November 2011 from the Permanent Mission of Ireland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Ireland to the United Nations has the honour to transmit herewith a national report by Ireland, submitted in compliance with paragraph 31 of Security Council resolution 1929 (2010) (see annex).

11-58337 (E) 151111

Please recycle

Annex to the note verbale dated 1 November 2011 from the Permanent Mission of Ireland to the United Nations addressed to the Chair of the Committee

National report by Ireland to the Security Council Committee established pursuant to resolution 1737 (2006)

The implementation by Ireland of restrictive measures against Iran imposed by Security Council resolution 1929 (2010) is based both on measures adopted by the European Union and national measures.

Ireland, as a member State of the European Union, implements the provisions of Security Council resolutions that fall within the scope of the competence of the European Union by means of European Union common positions and European Union Council regulations, the latter being directly applicable in Ireland.

Pursuant to paragraph 31 of Security Council resolution 1929 (2010), Ireland submits to the Security Council the following information concerning the steps taken by Ireland and the European Union to implement effectively the provisions of resolution 1929 (2010).

European Union implementation measures

Ireland, as a member State of the European Union, implements the provisions of Security Council resolutions by means of common instruments. Within the framework of the European Union's Common Foreign and Security Policy, the resolutions are transposed via common positions which require further national implementing measures, and Council or Commission regulations which are binding in their entirety and directly applicable in all member States of the European Union.

The European Union has implemented the provisions of Security Council resolution 1929 (2010) by adopting the following instruments:

(a) Council decision 2010/413/CFSP of 26 July 2010, which sets out the European Union's commitment to implementation of all the measures contained in resolution 1929 (2010) and provides the basis for European Union specific accompanying measures within the scope of the resolutions;

(b) Council decision 2010/644/CFSP of 25 October 2010 amending decision 2010/413/CFSP concerning restrictive measures against Iran and repealing common position 2007/140/CFSP;

(c) Council implementing regulation 668/2010 of 26 July 2010 implementing article 7 (2) of Council regulation 423/2007 on restrictive measures against Iran in order to legally enforce the asset freeze for the new European Union autonomous designations of persons and entities;

(d) Council regulation 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Council regulation 423/2007;

(e) Council implementing regulation 503/2011 of 23 May 2011 implementing Council regulation 961/2010;

(f) Commission regulation 532/2010 of 18 June 2010, which amends Council regulation 668/2010 by including the persons and entities designated by the

Security Council on 9 June 2010 in the list of persons, entities and bodies subject to the asset freeze as set out in annex IV to Council regulation 423/2007.

These instruments are attached.*

The above-mentioned Council regulations are binding in their entirety and directly applicable in Ireland.

National legislation and measures taken by Ireland

In addition to the above, Ireland implements its obligations as set out in the relevant paragraphs of resolution 1929 (2010) through its existing national legislation, in particular the European Communities Act, 1972, statutory instruments and measures taken by the Government of Ireland and national authorities.

Trade restrictions with Iran: ban on export and procurement of heavy weapons and related items, and dual-use goods and technology

Ireland has national legislation, set out below, providing for restrictions on the sale, supply, transfer or export of arms and related materiel[1] to third countries and an authorization for the provision of brokering services and other services related to military activities, which together with Council decision 2010/413/CFSP provides the basis for enforcement of the arms embargo against Iran and the ban on related brokering services.

Statutory instrument 45 of 2011 "European Union (Restrictive Measures) (Iran) Regulations 2011", as amended by Statutory instrument 74 of 2011 "European Union (Restrictive Measures) (Iran) (Amendment) Regulations 2011", provides for penalties for the infringement of the trade-related aspects of Council regulation 961/2010.

In addition to the specific legal instruments giving effect to the trade restriction aspects of the Iran sanctions, a number of legal instruments have been made under the Control of Exports Act 2008 which control the export of certain classes of goods and technology. In this regard, it is worth noting the Control of Exports (Goods and Technology) Order 2009, which provides that goods and technology on the European Union Common Military List cannot be exported "save under and in accordance with a licence". It is also worth noting the Control of Exports (Dual Use Items) Order 2009, which provides for penalties and enforcement in Irish law of Council regulation 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items. In making this Order, Ireland extended brokering controls to items not listed in annex I to the European Union Dual-Use Regulation if they are to be used in connection with weapons of mass destruction or missiles capable of delivering such weapons, or for a military end-use in a country which is subject to an arms embargo. Ireland also provided for controls on the transit of non-Community dual-use goods if the items are, or may be intended for use in connection with, weapons of mass destruction or missiles capable of delivering such weapons.

---

* The instruments referred to are on file with the Secretariat and are available for consultation.

[1] This legislation should apply to all goods included in the Common Military List of the European Union, *Official Journal of the European Union*, C 69, 18.3.2010, p. 19.

Ireland's Customs Service is responsible for the physical control of the import and export of goods into and from Ireland. Its electronic system for processing customs declarations incorporates risk assessment capabilities and allows Customs officials to monitor consignments of goods being imported from or exported to Iran. Controls can be of either a targeted (intelligence-based) or a random nature as required. Where consignments of interest are identified by Customs, details are referred to the competent authority, the Department of Jobs, Enterprise and Innovation, for instructions regarding clearance of the goods in question.

Under Section 3 of the Customs Act, 1956, any person who exports or attempts to export any goods in contravention of any enactment or statutory instrument shall be guilty of an offence against the Customs Acts and shall for each such offence forfeit treble the value of the goods. Such a person may either be detained or proceeded against by summons.

Assets freeze, ban on financial assistance and other financial measures

Financial measures as provided for in resolution 1929 (2010) are given effect by the European Communities Act, 1972, the Financial Transfers Act, 1992, Statutory instrument 250 of 2011 "European Union (Iran) (Financial Sanctions) (No. 2) Regulations 2011" and Statutory instrument 251 of 2011.

(Statutory instruments attached)*

The Central Bank of Ireland (Central Bank) is permitted to give direction to service providers on the restrictive measures and to require compliance with such direction.

As a competent authority, the Central Bank issues instructions to regulated entities to:

1. carry out a thorough examination of their records and confirm to the Central Bank whether or not they have any funds or economic resources in the name of any natural or legal person, group or entity currently the subject of the restrictive measures contained in Council regulation 961/2010; and

2. provide the Central Bank with details of any frozen funds and economic resources, belonging to, or owned or held by such persons.

As well as examining their records against the list of designations, regulated entities are further instructed to have adequate systems and controls in place to ensure compliance at all times with their obligations under European Union and domestic financial sanctions legislation including, among other matters: (a) screening of all new clients at time of take-on against restrictive measures in place at that time; and (b) screening of customer databases on an ongoing basis for compliance with prevailing restrictive measures.

Article 21 of Council regulation 961/2010 contains reporting and authorization requirements, including:

(a) All transfers of funds concerning amounts of €40,000 or greater, regardless of whether the transfer of funds is executed in a single operation or in several operations which appear to be linked, shall require a prior authorization from the Central Bank;

* The instruments referred to are on file with the Secretariat and are available for consultation.

(b) Relevant transfers of funds involving amounts greater than €10,000, but below €40,000, shall also be notified in advance to the Central Bank;

(c) Transfers of funds due on transactions regarding foodstuffs, health care, medical equipment, or for humanitarian purposes shall be carried out without any prior authorization. If that transfer concerns an amount greater than €10,000, details shall be notified in advance to the Central Bank.

In order to facilitate the operation of this reporting and prior authorization regime, relevant application forms are available on the Central Bank's website together with instructions on their operation.

Pursuant to article 23 of Council regulation 961/2010, European Union financial institutions are required, with respect to Iran, to exercise continuous vigilance in their activities with credit and financial institutions domiciled in Iran and their branches and subsidiaries abroad, in order to prevent such activities from contributing to proliferation-sensitive nuclear activities or to the development of nuclear weapon delivery systems.

It is also prohibited for credit and financial institutions to open bank accounts with a credit or financial institution domiciled in Iran, to sell or purchase public bonds of Iranian persons and to provide insurance or reinsurance to Iranian persons.

The Government of Ireland has no commitments to the Government of the Islamic Republic of Iran for grants, financial assistance or loans.

Travel restrictions

The Department of Justice, Equality and Law Reform and the Garda Síochána, in conjunction with the Department of Foreign Affairs, which has responsibility for the security and administration of the State's visa and immigration services and the control of entry to the State, supports the implementation of the travel restrictions set forth in Security Council resolution 1929 (2010).

Other restrictions

Regarding the business restrictions and the requirements on seizure and disposal of proscribed items, following inspection of cargo, set forth in paragraphs 14 to 22 of resolution 1929 (2010), any relevant information received via the pre-arrival notification system operated by the Marine Survey Office of the Department of Transport, Tourism and Sport will be notified to relevant authorities in Ireland.